

1 DEVIN DERHAM-BURK #104353
2 CHAPTER 13 STANDING TRUSTEE
3 P O BOX 50013
4 SAN JOSE, CA 95150-0013

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8 Telephone: (408) 354-1345
9 Facsimile: (408) 354-5513

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14 UNITED STATES BANKRUPTCY COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 Chapter 13

18 In Re:) Case No. 16-52268 MEH
19 GREGORY A DEL CARLO)
20 TRACY L DEL CARLO) **NOTICE OF DEFAULT IN**
21) **CHAPTER 13 PLAN PAYMENTS**
22) **AND DEMAND FOR CURE WITH**
23) **CERTIFICATE OF SERVICE**
24 Debtors)
25

26 **NOTICE TO THE DEBTORS: YOU ARE BEHIND ON YOUR CHAPTER 13 PLAN**
27 **PAYMENTS AND YOUR CASE WILL BE DISMISSED UNLESS YOU CATCH UP ON**
28 **YOUR PAYMENTS. YOU MUST TAKE ACTION WITHIN 21 DAYS OF THE DATE**
29 **OF THIS NOTICE.**

30
31 YOU ARE HEREBY NOTIFIED that the Chapter 13 Trustee's records show that you have not
32 made all the payments required by your confirmed Chapter 13 Plan.

33 1. YOU ARE IN DEFAULT UNDER YOUR CHAPTER 13 PLAN. As of Apr 30, 2018
34 your payments to the Chapter 13 Trustee should total: \$118,475.00. According to the
35 Trustee's records, you have only paid \$3,800.00 resulting in a \$114,675.00 default through
36 Apr 30, 2018. (The default amount does not include any payments which have been
37 suspended.)

1 2. In order to continue to receive protection of the U.S. Bankruptcy Court you must complete
2 one of the following within 21 days:

3 a. Bring the case current by paying in certified funds to the Trustee the amount of
4 \$114,675.00; (Mail payments to the lock box address: PO Box 50009, San Jose, CA
5 95150-0009)

6 OR

7 b. Meet and confer, by telephone, with the Trustee's representative AND enter into an
8 agreement to cure the default in a manner which is acceptable to the Trustee; OR

9 c. File and serve a motion to modify plan which proposes terms under which you will not be
10 in default and which will provide for plan completion within 60 months of the original time
11 that the first payment under the original confirmed plan was due. If you pursue this option,
12 you must also promptly obtain an order granting the motion to modify.

13 **3. IF YOU FAIL TO ACT, YOUR CASE WILL BE DISMISSED WITHOUT ANY
14 FURTHER NOTICE OR HEARING.**

15 **PLEASE CONTACT YOUR ATTORNEY IMMEDIATELY. YOUR ATTORNEY MAY
16 BE ABLE TO ASSIST YOU.**

17
18 Dated: April 18, 2018

/s/ DEVIN DERHAM-BURK

19 DEVIN DERHAM-BURK
20 Chapter 13 Standing Trustee

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2 **CERTIFICATE OF SERVICE BY MAIL**
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5 I hereby declare that I am over the age of 18 years, not a party to the within cause; my business
6 address is 983 University Ave., Bldg. C-100, Los Gatos, CA 95032. I served the within Notice
7 of Default in Chapter 13 Plan Payments and Demand for Cure by placing same in an envelope in
8 the U.S. Mail at Los Gatos, California on April 18, 2018. Said envelopes were addressed as
9 follows:
10
11

12 GREGORY A DEL CARLO
13 TRACY L DEL CARLO
14 2007 GYPSY AVE
15 SAN MARTIN, CA 95046-9622
16

17 In addition to any paper copies served by U.S. Mail, registered ECF participants, including parties
18 who have requested Special Notice in this case, will receive an electronic copy of the foregoing
19 document when it has been filed with the Court.
20
21

22 Dated: April 18, 2018

23 /s/ Esmeralda Mejia
24

25 Office of DEVIN DERHAM-BURK
26 Chapter 13 Standing Trustee
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